

Docket Number: 4006

ALLEGHENY CITY ELECTRIC, INC.

Joseph H. Bucci, Esquire
Nicholas V. Fox, Esquire (co-counsel)

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

~~Michael Eichert, Chief Counsel~~
David L. Narkiewicz, Assistant Chief Counsel
Harry R. Walter, III, Assistant Counsel

VS.

****BUCHART HORN INC., d/b/a BASCO ASSOCIATES**

John J. Sylvanus, Esquire
Christopher A. Naylor, Esquire

February 18, 2011

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$321,041.60+.

February 18, 2011

Board issued Acknowledgment letter and forwarded a copy of the Claim to Attorney General.

February 28, 2011

Attorney General filed Acknowledgement of Claim form. Receipt of same acknowledged February 24, 2011.

March 16, 2011

Defendant filed Praecipe to Enter Appearance of David L. Narkiewicz, Assistant Chief Counsel and Harry R. Walter, III, Assistant Counsel on behalf of Defendant.

March 16, 2011

Defendant filed Preliminary Objections to Statement of Claim as well as Brief in Support.

April 13, 2011

Plaintiff filed Opposition to Preliminary Objections as well as Brief in Support.

April 21, 2011

Defendant filed Answer to Opposition to Preliminary Objections as well as Brief in Support.

May 13, 2011

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 13th day of May, 2011, upon consideration of the Commonwealth of Pennsylvania, Department of General Services' preliminary objections, it is **ORDERED** and **DECREED** that these preliminary objections are **DENIED**. The Department shall file an answer to Allegheny City Electric, Inc.'s complaint within 30 days of the date of this Order." Copy forwarded to Plaintiff and Defendant.

May 23, 2011

Defendant filed Acceptance of Service of Opinion and Order dated May 13, 2011. Receipt of same acknowledged May 19, 2011.

May 23, 2011

Plaintiff filed Acceptance of Service of Opinion and Order dated May 13, 2011. Receipt of same acknowledged May 18, 2011.

****June 13, 2011**

Defendant filed Joinder Complaint against Buchart Horn, Inc. d/b/a Basco Associates.

June 13, 2011

Defendant filed Answer and New Matter to Statement of Claim.

June 14, 2011

Board forwarded letter to Plaintiff requesting response to New Matter.

June 14, 2011

Board issued Acknowledgment letter.

June 17, 2011

Defendant filed Praecipe to Substitute Certificate of Service correcting Additional Defendant's address.

June 29, 2011

Additional Defendant (Buchart Horn, Inc.) filed Answer to the Joinder Complaint.

July 5, 2011

Plaintiff filed Reply to New Matter of Defendant and Cross Claim against Buchart Horn, Inc. d/b/a Basco Associates.

July 5, 2011

Board forwarded letter to parties directing parties to commence with discovery.

July 6, 2011

Board forwarded letter requesting response to Plaintiff's Cross Claim.

July 22, 2011

Plaintiff filed a Certificate of Merit as to Additional Respondent, Buchart Horn, Inc., d/b/a Basco Associates.

July 26, 2011

Buchart Horn, Inc. filed Preliminary Objections to Plaintiff's Crossclaim Against Buchart Horn and Brief in Support. [02A101311]

July 27, 2011

Board forwarded letter requesting response to Buchart Horn, Inc.'s Preliminary Objections.

August 10, 2011

Board re-forwarded letter to Plaintiff's correct address requesting response to Buchart Horn, Inc.'s Preliminary Objections.

August 22, 2011

Plaintiff filed letter advising Buchart Horn, Inc. has granted Plaintiff an extension of time until September 30, 2011 in which to file Plaintiff's reply to preliminary objections.

August 22, 2011

Board forwarded letter to Plaintiff granting extension of time.

September 30, 2011

Plaintiff filed Opposition to Buchart Horn, Inc.'s Preliminary Objections to Plaintiff's Cross-Claim.

October 7, 2011

Buchart Horn, Inc. filed Reply Brief to Plaintiff's Brief in Opposition to Preliminary Objections.

October 20, 2011

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 20th day of October 2011, upon consideration of the preliminary objections of Buchart Horn, Inc. d/b/a/ Basco Associates to the cross-claim of Allegheny City Electric, Inc., it is **ORDERED** and **DECREED** that the preliminary objection is **SUSTAINED**. This cross-claim is **DISMISSED**." Copy forwarded to all parties of record.

May 29, 2012

Plaintiff filed Notice of Service of Plaintiff's Answers and Objections to Defendant's First Set of Interrogatories.

November 18, 2013

Buchart Horn filed a letter requesting a status conference to discuss discovery issues.

November 18, 2013

Plaintiff requested via telephone two Subpoenas 4009.21 - to produce documents.

November 18, 2013

Board forwarded two Subpoenas 4009.21 - to produce documents dated November 18, 2013 to Plaintiff.

November 22, 2013

Buchart Horn filed letter advising that all parties have agreed to a status conference on December 9, 2013 and requesting that the status conference time be moved to 2:00 p.m.

November 25, 2013

Board forwarded letter to parties scheduling a status conference on December 9, 2013 at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania commencing at 2:00 p.m.

December 2, 2013

Plaintiff filed Certificate Prerequisite to Service of Subpoenas.

December 2, 2013

Plaintiff requested (via telephone) to attend status conference by telephone as well as have a local partner attend in person on his behalf. The Board granted request.

December 9, 2013

Board held status conference on December 9, 2013 at 2:00 p.m.

December 10, 2013

Board forwarded letter to parties requesting a proposed scheduling order.

December 26, 2013

Defendant filed proposed scheduling order on behalf of all parties as requested by the Board.

January 10, 2014

Defendant transmitted via facsimile a letter advising that the parties could not agree on hearing date and requests that each party be directed to submit its own proposed scheduling order.

January 17, 2014

Board forwarded letter to parties advising that a scheduling conference as be scheduled for January 30, 2014 commencing at 1:00 p.m.

January 23, 2014

Plaintiff transmitted via facsimile a letter advising that Joseph Bucci and Ericson Kimbel will join the scheduling conference on January 30, 2014 at 1:00 p.m.

January 30, 2014

Board held scheduling conference.

January 31, 2014

Board rendered an Order. Order as follows: "**AND NOW**, this 31st day of January, 2014, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant is July 11, 2014; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is August 12, 2014; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by September 12, 2014; 4. The last day for filing pre-trial motions is September 23, 2014; 5. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than October 29, 2014 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, November 5, 2014 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Monday, December 8, 2014 and running through Friday, December 12, 2014, or as otherwise necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m." Copy forwarded to all parties of record.

February 5, 2014

Buchart Horn filed Acceptance of Service of Scheduling Order dated January 31, 2014. Receipt of same acknowledged February 4, 2014.

February 6, 2014

Defendant filed Acceptance of Service of Scheduling Order dated January 31, 2014. Receipt of same acknowledged February 4, 2014.

February 10, 2014

Plaintiff filed Acceptance of Service of Scheduling Order dated January 31, 2014. Receipt of same acknowledged February 5, 2014.

April 3, 2014

Buchart Horn filed Motion to Compel and for Sanctions directed to Plaintiff.

April 4, 2014

Board forwarded letter to Buchart Horn requesting a brief in support of motion to compel and for sanctions.

April 4, 2014

Board forwarded letter to Plaintiff requesting response to Buchart Horn's Motion to Compel and for Sanctions.

April 8, 2014

Buchart Horn transmitted via facsimile a letter requesting clarification of the Board's letter of April 4, 2014 indicating that the Motion to Compel and for Sanctions required a Brief.

April 8, 2014

Board forwarded letter via facsimile and U.S. Mail to Buchart Horn clarifying supporting brief requirement.

April 28, 2014

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 28th day of April 2014, it is hereby **ORDERED** and **DECREED** that Buchart Horn, Inc.'s Motion to Compel and For Sanctions is hereby **DISMISSED** for the reasons stated above." Copy forwarded to all parties of record.

May 2, 2014

Defendant filed Acceptance of Service of Opinion and Order dated April 28, 2014. Receipt of same acknowledged April 30, 2014.

May 5, 2014

Plaintiff filed Acceptance of Service of Opinion and Order dated April 28, 2014. Receipt of same acknowledged May 1, 2014.

May 8, 2014

Defendant filed Notice of Service of Answer to Claimant's Second Set of Interrogatories and Answer to Claimant's Second Set of Requests for Production of Documents.

June 13, 2014

Defendant filed Notice of Service of DGS' Amended Answer to Second Set of Requests for Production of Documents.

July 1, 2014

Plaintiff requested via telephone Subpoenas 234.1 - to attend with duces tecum.

July 2, 2014

Board forwarded Subpoenas 234.1 - to attend with duces tecum to Plaintiff.

September 19, 2014

Defendant filed a letter requesting, on behalf of all parties, that the hearing scheduled for December 8, 2014 be continued indefinitely.

September 19, 2014

Board rendered an Order. Order as follows: "**AND NOW**, this 19th day of September, 2014, pursuant to letter of September 19, 2014 filed by counsel for Defendant, with consent of counsels for Plaintiff and Additional Defendant, it is hereby **ORDERED** that the hearing currently set for this matter to begin on December 8, 2014 is hereby postponed indefinitely. The parties are to notify the Board if and when they wish to reschedule the hearing in this case." Copy forwarded to all parties of record.

September 24, 2014

Plaintiff filed Acceptance of Service of Order dated September 19, 2014. Receipt of same acknowledged September 22, 2014.

September 26, 2014

Buchart Horn filed Acceptance of Service of Order dated September 19, 2014. Receipt of same acknowledged September 24, 2014.

March 23, 2015

DGS filed Motion for Partial Summary Judgment seeking to dismiss the "unforeseen subsurface conditions" claim filed by Allegheny and Brief in Support.

March 24, 2015

Board forwarded letter to Plaintiff requesting a response to DGS's Motion for Partial Summary Judgment.

May 12, 2015

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 12th day of May, 2015, upon consideration of Defendant Department of General Services' motion for partial summary judgment, **IT IS ORDERED** that the motion is **GRANTED**. Partial summary judgment is hereby entered in favor of Defendant, Department of General Services and against Plaintiff, Allegheny City Electric, Inc. with respect to that portion of Plaintiff's claim which seeks damages for unforeseen site conditions." Copy forwarded to all parties of record.

May 15, 2015

Plaintiff transmitted via facsimile a letter advising that Plaintiff and Defendant had agreed to an extension of time until May 20, 2015 in which to file Plaintiff's Reply to Motion for Partial Summary Judgment and requests the Board withdraw its Opinion and Order dated May 12, 2015.

May 18, 2015

Defendant transmitted via facsimile a letter advising that Plaintiff contacted him back on April 13, 2015 requesting an extension of the deadline to respond to DGS' motion for Partial Summary Judgment and that Defendant would not oppose.

May 18, 2015

Plaintiff transmitted via facsimile a letter regarding the extension of time agreed upon by Plaintiff and Defendant and requesting the Board withdraw its May 12, 2015 Order and allow Plaintiff to file its Reply to Motion for Partial Summary Judgment.

May 18, 2015

Board rendered an Order. Order as follows: "**AND NOW**, this 18th day of May, 2015, having only now been advised by counsel for Plaintiff, Joseph H. Bucci, Esquire, that counsel for Defendant, Harry R. Walter, III, Esquire had, in essence, agreed to an extension of time until May 20, 2015 for Plaintiff to reply to Defendant's Motion for Partial Summary Judgment, the Board **ORDERS** and **DECREES** that its Opinion and Order dated May 12, 2015 granting Defendant's Motion for Partial Summary Judgment is hereby **VACATED**.

In accordance with agreement of the parties, Plaintiff shall file its reply to the Defendant's Motion for Partial Summary Judgment by no later than May 20, 2015." Copy forwarded to all parties of record.

May 19, 2015

Buchart Horn transmitted via facsimile a Joinder Brief in Support of DGS's Motion for Summary Judgment.

May 20, 2015

Plaintiff filed Response in Opposition to Defendant's Motion for Partial Summary Judgment and Memorandum of Law.

May 20, 2015

Buchart Horn filed Joinder Brief in Support of DGS's Motion for Summary Judgment.

May 20, 2015

Buchart Horn filed Acceptance of Service of Opinion and Order dated May 12, 2015. Receipt of same acknowledged May 18, 2015.

May 20, 2015

Buchart Horn filed Acceptance of Service of Order dated May 18, 2015. Receipt of same acknowledged May 15, 2015.

May 21, 2015

Defendant filed Acceptance of Service of Opinion and Order dated May 12, 2015. Receipt of same acknowledged May 14, 2015.

May 21, 2015

Defendant transmitted (via fax) a letter requesting permission to file a reply to Plaintiff's brief in opposition to Defendant's motion for partial summary judgment.

May 26, 2015

Buchart Horn filed Acceptance of Service of Order dated May 18, 2015. Receipt of same acknowledged May 20, 2015.

May 28, 2015

Plaintiff filed Acceptance of Service of Order dated May 18, 2015. Receipt of same acknowledged May 21, 2015.

June 4, 2015

Plaintiff filed Motion to Strike the Joinder Brief of Buchart Horn, Memorandum of Law and Proposed Order.

June 5, 2015

Defendant filed Joint Reply to Plaintiff's Memorandum of Law in Opposition to Motion for Partial Summary Judgment.

June 8, 2015

Plaintiff transmitted via facsimile a letter requesting permission to file a Surreply to Defendant's Joint Reply to Plaintiff's Memorandum of Law in Opposition to Motion for Partial Summary Judgment.

June 12, 2015

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 12th day of June, 2015, upon consideration of Defendant Department of General Services' motion for partial summary judgment, **IT IS ORDERED** that the motion is **DENIED.**" Copy forwarded to all parties of record.

June 16, 2015

Defendant filed Acceptance of Service of Opinion and Order dated June 12, 2015. Receipt of same acknowledged June 15, 2015.

June 17, 2015

Plaintiff filed Acceptance of Service of Opinion and Order dated June 12, 2015. Receipt of same acknowledged June 15, 2015.

June 23, 2015

Defendant filed letter on behalf of DGS and Buchart Horn requesting a status conference to be scheduled in order to establish a new discovery deadline and hearing date.

June 24, 2015

Plaintiff filed a letter agreeing that a status conference would be beneficial and submitted proposed dates which are known to suit all parties.

June 26, 2015

Board scheduled a status conference for Tuesday, July 21, 2015 commencing at 1:00 p.m.

July 21, 2015

Board held status conference on July 21, 2015 at 1:00 p.m.

July 22, 2015

Board rendered a Third Revised Scheduling Order. Order as follows: **"AND NOW**, this 22nd day of July, 2015, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant is December 11, 2015; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is January 15, 2016; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by February 12, 2016; 4. The last day for filing pre-trial motions is February 24, 2016; 5. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than March 30, 2016 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, April 6, 2016 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Monday, May 16, 2016 and running through Friday, May 20, 2016, or as otherwise necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m." Copy forwarded to all parties of record.

July 27, 2015

Buchart Horn filed Acceptance of Service of Third Revised Scheduling Order dated July 22, 2015. Receipt of same acknowledged July 24, 2015.

July 27, 2015

Plaintiff filed Acceptance of Service of Third Revised Scheduling Order dated July 22, 2015. Receipt of same acknowledged July 24, 2015.

September 22, 2015

Plaintiff requested via telephone Subpoenas 234.1 - to attend with duces tecum.

September 22, 2015

Board forwarded Subpoenas 234.1 - to attend with duces tecum to Plaintiff.

October 7, 2015

Buchart Horn filed a Motion to Quash Subpoena Issued to Jeffrey B. Moreland and Brief in Support.

October 7, 2015

Board scheduled a teleconference for Friday, October 9, 2015 at 1:00 p.m.

October 7, 2015

Buchart Horn transmitted via facsimile an Entry of Appearance entering Christopher A. Naylor, Esquire and Barley Snyder, LLC on behalf of Buchart Horn.

October 8, 2015

Buchart Horn filed via U.S. Mail an Entry of Appearance entering Christopher A. Naylor, Esquire and Barley Snyder, LLC on behalf of Buchart Horn.

October 8, 2015

Plaintiff filed Response in Opposition to Motion to Quash Subpoena as well as Brief in Opposition.

October 9, 2015

Board held teleconference.

October 9, 2015

Plaintiff requested via telephone Subpoenas 234.1 - to attend with duces tecum.

October 9, 2015

Board forwarded Subpoenas 234.1 - to attend with duces tecum to Plaintiff.

October 9, 2015

Buchart Horn transmitted via facsimile a letter withdrawing its Motion to Quash Subpoena issue to Jeffrey B. Moreland.

October 13, 2015

Buchart Horn filed via U.S. Mail a letter withdrawing its Motion to Quash Subpoena issue to Jeffrey B. Moreland.

November 12, 2015

Defendant filed Notice of Service of its Deposition Document which was served upon the parties.

January 20, 2016

Defendant filed Notice of Service of notice of deposition documents.

February 16, 2016

Board rendered Fourth Revised Scheduling Order. Order as follows:
"AND NOW, this 16th day of February, 2016, it is hereby **ORDERED** and **DECREED** as follows: 6. A pre-trial conference is scheduled for Thursday, April 7, 2016 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; All other times and dates in the July 22, 2015 Third Revised Scheduling Order remain unchanged." Copy forwarded to all parties of record.

February 24, 2016

Plaintiff filed Acceptance of Service of Fourth Revised Scheduling Order dated February 16, 2016. Receipt of same acknowledged February 19, 2016.

February 24, 2016

Plaintiff filed Entry of Appearance of Nicholas V. Fox, Esquire on behalf of Plaintiff.

February 24, 2016

Plaintiff filed motion for partial summary judgment, memorandum of law and proposed order.

February 24, 2016

Defendant filed second motion for partial summary judgment, its brief in support as well as Buchart Horn's Brief in Support.

February 25, 2016

Board forwarded letter to DGS and Buchart Horn requesting a response to Plaintiff's motion for partial summary judgment.

February 25, 2016

Board forwarded letter to Plaintiff requesting a response to DGS's second motion for partial summary judgment.

March 10, 2016

Board forwarded Notice of Settlement Conference.

March 15, 2016

Plaintiff filed response in opposition to Defendant's second motion for partial summary judgment, memorandum of law as well as proposed order.

March 15, 2016

Defendant filed answer to Plaintiff's motion for partial summary judgment and brief in support.

March 15, 2016

Buchart Horn filed reply with new matter to Plaintiff's motion for partial summary judgment and brief.

March 16, 2016

Board forwarded letter (via Facsimile & U.S. Mail) to Plaintiff, with copy to Defendant and Additional Defendant, requesting response to new matter.

March 18, 2016

Buchart Horn filed Acceptance of Service of Order dated February 16, 2016. Receipt of same acknowledged March 15, 2016.

March 23, 2016

Plaintiff filed motion to strike Buchart Horn's new matter and memorandum of law as well as proposed order.

March 24, 2016

Board forwarded letter (via Facsimile & U.S. Mail) to Buchart Horn, with copy to Plaintiff and Defendant, requesting response to motion to strike.

March 30, 2016

Board rendered Opinion and Order. Order as follows: **"AND NOW, this 30th day of March, 2016, upon consideration of the Motion for Partial Summary Judgment filed by Allegheny City Electric, Inc. and supporting brief, and responses and briefs filed in opposition, it is ORDERED and DECREED that said Motion is DENIED."** Copy forwarded to all parties of record.

March 30, 2016

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 30th day of March, 2016, upon consideration of the Second Motion for Partial Summary Judgment filed by the Commonwealth of Pennsylvania, Department of General Services and supporting briefs, and the responses and briefs filed in opposition, it is **ORDERED** and **DECREED** that said Motion is **DENIED.**" Copy forwarded to all parties of record.

March 30, 2016

Plaintiff filed prehearing memorandum which includes exhibit list and expert report of Matthew L. Luttrell.

March 30, 2016

Defendant filed pre-trial statement which includes exhibit list.

April 4, 2016

Buchart Horn transmitted via facsimile pre-trial statement.

April 7, 2016

Buchart Horn transmitted filed via U.S. Mail pre-trial statement.

April 7, 2016

Buchart Horn filed Acceptance of Service of Opinion and Order dated March 30, 2016. Receipt of same acknowledged April 1, 2016.

April 7, 2016

Buchart Horn filed Acceptance of Service of Opinion and Order dated March 30, 2016. Receipt of same acknowledged April 1, 2016.

April 7, 2016

Plaintiff filed Acceptance of Service of Opinion and Order dated March 30, 2016. Receipt of same acknowledged April 4, 2016.

April 7, 2016

Plaintiff filed Acceptance of Service of Opinion and Order dated March 30, 2016. Receipt of same acknowledged April 4, 2016.

April 7, 2016

Board held pre-trial conference on April 7, 2016.

April 8, 2016

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 8th day of April, 2016, upon consideration of the Motion to Strike Buchart Horn's New Matter and the response to the motion, it is **ORDERED** and **DECREED** that the Motion is **GRANTED** and the New Matter filed by Buchart Horn is **STRIKEN.**" Copy forwarded to all parties of record.

April 8, 2016

Defendant filed Acceptance of Service of Opinion and Order dated March 30, 2016. Receipt of same acknowledged March 31, 2016.

April 8, 2016

Defendant filed Acceptance of Service of Opinion and Order dated March 30, 2016. Receipt of same acknowledged March 31, 2016.

April 12, 2016

Plaintiff filed Acceptance of Service of Opinion and Order dated April 8, 2016. Receipt of same acknowledged April 12, 2016.

April 19, 2016

Defendant filed Acceptance of Service of Opinion and Order dated April 8, 2016. Receipt of same acknowledged April 8, 2016.

April 20, 2016

Buchart Horn filed Acceptance of Service of Opinion and Order dated April 8, 2016. Receipt of same acknowledged April 18, 2016.

May 2, 2016

Defendant transmitted via facsimile a letter that the parties have agreed to amicably resolve the claims and requests the Board stay this matter indefinitely pending final execution of the settlement agreement.

May 3, 2016

Board rendered Order via facsimile and U.S. Mail. Order as follows: **"AND NOW**, this 3rd day of May, 2016, pursuant to a letter from Defendant's counsel filed with this Board on May 2, 2016, advising that the parties have agreed to amicably resolve this matter and requesting a stay be placed on this case, it is hereby **ORDERED** and **DECREED** that the hearing scheduled for May 16 through May 20, 2016, is canceled and the case is stayed until further action by the Board." Copy forwarded to all parties of record.

May 5, 2016

Plaintiff filed Acceptance of Service of Opinion and Order dated May 3, 2016. Receipt of same acknowledged May 3, 2016.

May 5, 2016

Buchart Horn filed Acceptance of Service of Opinion and Order dated May 3, 2016. Receipt of same acknowledged May 3, 2016.

May 5, 2016

Defendant filed via U.S. Mail a letter that the parties have agreed to amicably resolve the claims and requests the Board stay this matter indefinitely pending final execution of the settlement agreement.

May 9, 2016

Defendant filed Acceptance of Service of Opinion and Order dated May 3, 2016. Receipt of same acknowledged May 5, 2016.

August 1, 2016

Defendant filed Praecipe to Discontinue signed by Plaintiff and Defendant.

August 2, 2016

Board rendered Order. Order as follows: "**AND NOW**, this 2nd day of August, 2016, upon receipt of a Praecipe executed by Joseph H. Bucci, Esquire, on behalf of Plaintiff, Allegheny City Electric, Inc. and by Harry R. Walter, III, Esquire, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services, requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of August 1, 2016, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to all parties of record.

August 8, 2016

Plaintiff filed Acceptance of Service of Order dated August 2, 2016. Receipt of same acknowledged August 5, 2016.

August 8, 2016

Defendant filed Acceptance of Service of Order dated August 2, 2016. Receipt of same acknowledged August 5, 2016.
